

of the Thirty-second Senate be printed in the Senate Journal of tomorrow for the guidance of the Senate and members thereof.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Bryan:

Whereas, there is an effort being made before congress by citizens of Texas to secure an appropriation of one hundred thousand (\$100,000) dollars for the further development of deep water at Velasco, Texas;

Resolved, That we request our Congressmen and United States Senators to lend their active support in securing this appropriation, and that the Secretary of the Senate be directed to telegraph a copy of this resolution to them.

BRYAN.
KAUFFMAN,
JOHNSON,
MEACHUM,
WILLACY,
PERKINS,
RATLIFF,
ADAMS,
HUDSPETH.

The resolution was read and laid on the table subject to call.

EXCUSED.

On account of important business:
Senator Terrell of McLennan for today on motion of Senator Ward.

ADJOURNMENT.

On motion of Senator Sturgeon, the Senate, at 4:30 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

APPENDIX.

(Floor Report.)

Committee Room,

Austin, Texas, Jan. 23, 1911.

We, your Committee on State Affairs, to whom was referred

House Concurrent Resolution No. 12, providing for a joint committee of the two houses of the Legislature to arrange for the election of a United States Senator for the term beginning March 4, 1911,

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Peeler, Ratliff, Perkins, Johnson,

Kauffman, Warren, Greer, Murray, Real.

PETITIONS AND MEMORIALS.

By Senator Hudspeth:

Section 1. Be it resolved by the City Council of the City of El Paso, That the Legislature of the State of Texas is respectfully petitioned to create an additional Court of Civil Appeals and to establish the seat thereof in El Paso.

Our rank among the cities of the State; our recent growth; our prospects for the immediate future; the ever increasing volume of litigation in our courts and our distance from the nearest appellate tribunal, speak more eloquently in favor of our petition than can any words of ours.

Section 2. Be it further resolved, That Senator Claude Hudspeth and Representative W. C. McGown are urgently requested to spare no efforts in obtaining the granting of this petition.

That a copy hereof be sent to the Clerk of each branch of the Legislature, and to Senator Hudspeth and Representative McGown.

Passed and approved this 29th day of January, 1911.

C. E. KELLY,
Mayor.

EIGHTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, Jan. 24, 1911.

Senate met pursuant to adjournment, President Pro Tem. Hudspeth presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Feeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Prayer by the Chaplain.

Pending the reading of the Journal

of yesterday, the same was dispensed with, on motion of Senator Perkins.

REGULAR ORDER OF BUSINESS.

See appendix for standing committee reports and petitions and memorials.

BILLS AND RESOLUTIONS.

By Senator Vaughan:

Senate Concurrent Resolution No. 7, Resolved by the Senate, the House concurring, that

Whereas, under Federal law, interstate shipments of intoxicating liquors are delivered to the consignee before the State can have jurisdiction of the same, and

Whereas, by this means the State is seriously hampered in carrying out its policies relative to the traffic of intoxicating liquors, and

Whereas, we believe the State should have full control under its police powers of all liquors shipped within its bounds, whether domestic or interstate; therefore, be it

Resolved, That we hereby declare ourselves in favor of such action by the Congress of the United States as will guarantee to the States the fullest jurisdiction of all intoxicants consigned to parties within this State, from the time they enter the State and to this end we request the members of Congress, both in the Senate and the House, from this State, to support such legislation as is contemplated by the Miller-Curtis bill now pending in Congress.

Read first time and referred to Judiciary Committee No. 1.

By Senator Carter:

Senate Concurrent Resolution No. 8, providing for a memorial from the Thirty-second Legislature of the State of Texas to the Third Session of the Sixty-first Congress now assembled at Washington, D. C., relative to the enactment of Federal legislation further restricting immigration to the United States.

Read first time and referred to Committee on Federal Relations.

By Senator Perkins:

Senate bill No. 84, A bill to be entitled "An Act to establish a school of agriculture for the instruction of white male children in the sciences or agriculture and horticulture, and the natural sciences connected there-

with, and in civil engineering and other scientific and classical studies, relating to the practical education in the pursuits of agriculture and horticulture, to be known as the North Texas Agricultural College; providing for the appointment of a local board of three directors, by and under the Board of Directors of the Agricultural and Mechanical College; providing that said North Texas Agricultural College shall be a branch of the Agricultural and Mechanical College of Texas; making an appropriation for the purposes of this act; fixing the location of said North Texas Agricultural College within the corporate limits of the city of McKinney, or within three miles thereof, in Collin County, Texas; providing for the appointment of a commission to inspect the site or sites and locate said college, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Greer:

Senate bill No. 85, A bill to be entitled "An Act authorizing ice companies to buy, sell and refrigerate poultry products, and buy, sell, can and refrigerate fruits, produce, fresh meats and dairy products, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Hudspeth:

Senate bill No. 86, A bill to be entitled "An Act to create the Seventh Supreme Judicial District of the State of Texas, to provide for the appointment of the judges thereof, for the transfer of certain cases on appeal or writ of error thereto, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Kaufman:

Senate bill No. 87, A bill to be entitled "An Act to amend the charter of the city of Galveston by amending Section 35 thereof so as to authorize the city to condemn property, to open streets, alleys and public parks; Section 62a thereof so as to include the northwest and northeast quarters of outlot 92 as known and designated on the maps and plats of the city of Galveston Subdivision (b) of Section 34 thereof, so as to authorize the Board of Commissioners of said city to require the pavement or improve-

ments of the alleys in said city in the same manner as streets and side walks may be required to be improved or paved under the present charter and ordinances of the city of Galveston; Section 32 thereof so as to authorize the police and fire commissioner to hear and determine charges against policemen and firemen, and by adding to said charter Section 34a, authorizing said Board of Commissioners to appropriate and expend annually a sum of not less than \$3000 to provide for public entertainment; Section 35a, authorizing said Board to cede and convey streets or alleys in the city of Galveston to the United States Government, which said government may need for public purposes; Section 78b, authorizing the Board of Commissioners of the city of Galveston to sell and convey by proper deed for not less than \$50,000 in cash, to the Gulf, Colorado & Santa Fe Railway Co. the interest of said city in the lots and blocks known as the 'East End Park'; Section 78c, ratifying and confirming an ordinance passed by the Board of Commissioners of the city of Galveston on June 30, 1910 whereby parts of certain streets in said city are closed, delivered and conveyed to the Union Passenger Depot Company of Galveston, for the purpose of building thereon a union passenger depot and other streets in lieu of those so surrendered by the city of Galveston are furnished the said city by the aforesaid The Union Passenger Depot Company of Galveston, and further providing for the payment of \$25,000 by said The Union Passenger Depot Company of Galveston for the pavement of the streets so furnished to said city, and further providing for the building of drains and other public works; Section 36a authorizing said Board of Commissioners to require owners of premises situated in the Seawall Improvement Fill to surface the same or cause the same to be done at the expense of such owners and to assess such cost against such premises and create a lien thereon, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Johnson:

Senate bill No. 88, A bill to be entitled "An Act creating the Electric Independent School District in Wichita County, Texas, and to provide

for the election of trustees, raising revenue by taxation, issuing bonds, building school houses and maintaining public free schools therein, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Perkins, Johnson, Hudspeth and Bryan:

Senate bill No. 89, A bill to be entitled "An Act to fix and declare the right of contract in certain cases, and to regulate the making of contracts between publishers of newspapers, periodicals and other publications regularly issued, and railroad, interurban and other transportation companies."

Read first time and referred to Committee on Internal Improvements.

By Senator Collins:

Senate bill No. 90, A bill to be entitled "An Act to provide for the taxation of any leasehold held for mineral purposes, but not being used for such purposes."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Kauffman:

Senate bill No. 91, A bill to be entitled "An Act declaring it a misdemeanor under certain conditions to draw and utter any check, draft or order on any bank, and providing a penalty therefor."

Read first time and referred to Judiciary Committee No. 2.

By Senator Murray:

Senate bill No. 92, A bill to be entitled "An Act to amend Chapter 69 and Chapter 124 of the Acts of the Regular Session of the Thirtieth Legislature of the State of Texas, as amended by the Second Called Session of the Thirty-first Legislature, said amended Act being known as Chapter 18, and approved May 12, 1909, transferring the county of Bee from the Twenty-fourth Judicial District to the Thirty-sixth Judicial District, and to change the time of holding district court in said Twenty-fourth and Thirty-sixth Judicial Districts, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Warren:

Senate bill No. 93, A bill to be entitled "An Act to amend Article 762 of the Code of Criminal Procedure of

the State of Texas, as adopted at the Regular Session of the Twenty-fourth Legislature, and prescribing that after conviction of a defendant of a lower degree of offense than that for which he is indicted, that on any second or subsequent trial, the first trial shall not be considered an acquittal of the higher offense, and prescribing that at such second or subsequent trial the case shall stand for trial de novo and as if no former trial had been had, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Lattimore and Ward:

Senate bill No. 94, A bill to be entitled "An Act to provide for the erection of a monument over the remains of Mrs. Elizabeth Crockett, the wife of David Crockett, in the cemetery at Acton, Hood county, Texas; to make an appropriation therefor, and to declare an emergency."

Read first time and referred to the Finance Committee.

By Senator Vaughan:

Senate bill No. 95, A bill to be entitled "An Act to regulate practice in the district and county court in regard to instructions to juries."

Read first time and referred to Judiciary Committee No. 1.

By Senator Warren:

Senate bill No. 96, A bill to be entitled "An Act making an appropriation to pay for repairs contracted for by the Board of Managers of the North Texas Hospital for the Insane, and declaring an emergency."

Read first time and referred to the Finance Committee.

By Senators Terrell of McLennan and Kauffman:

Senate bill No. 97, A bill to be entitled "An Act to provide for the location, establishment and maintenance of four tent-house colonies for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Johnson:

Senate bill No. 98, A bill to be entitled "An Act to reorganize the

Sixty-fourth Judicial District of Texas and to fix the time of holding court in each of the counties in said district; to provide for the return of all process to each of the counties in said district; to provide for the attachment of the unorganized county of Bailey to Castro county in said district for judicial and all other purposes, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Lattimore:

Senate bill No. 99, A bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception and misbranding in the manufacture and sale of articles of foods and drugs, and to regulate the sale of concentrated commercial feeding stuffs and the materials from which they are manufactured; defining concentrated feeding stuffs, prohibiting their adulteration, providing for their correct weighing and marking, for the collection of samples, and providing that the inspection tax and penalties collected under this Act shall be used by the Dairy and Food Commissioner in the enforcement of this Act; prescribing penalties for the violation of this Act, providing for the appointment of the Dairy and Food Commissioner, and defining his powers and duties; also to provide for the appointment of inspectors, chemists and other assistants, and fixing the compensation of the Dairy and Food Commissioner and the inspectors, chemist and other assistants provided for by this Act, and to repeal all laws in conflict with the provisions of this Act, and, declaring an emergency."

Read first time and referred to Committee on Public Health.

By Senator Willacy:

Senate bill No. 100, A bill to be entitled "An Act making appropriations for the support of the State government for two years, beginning September 1st, 1911, and ending August 31st, 1913, and for other purposes, prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the years ending August 31st, 1909 and 1910, and to pay various miscellaneous claims against the

State, and authorizing the payment of said miscellaneous items upon the taking effect of this Act, and declaring an emergency."

Read first time and referred to Committee on Finance.

Senator Meachum offered a simple resolution, which was read and laid on the table pending the completion of the morning call.

SIMPLE RESOLUTION.

By Senator Murray:

Whereas, under the resolution heretofore adopted the number of Senate Journals are limited.

Therefore be it Resolved, That the clerk assigned the duty of mailing out Senate Journals be and she is hereby instructed not to mail more than ten copies for any one Senator.

The resolution was read and laid on the table pending the conclusion of the morning call.

SIMPLE RESOLUTION.

By Senator Perkins:

Whereas, the preservation of the health of the members of the Senate is very important, and

Whereas, it is impossible to regulate the temperature of the Senate chamber from the power house; and without the personal attendance of an expert who is familiar with the heating system of the Capitol, and

Whereas, the radiators and ventilators require special attention, as some of them are used to admit hot air, and some of them to admit cold air into the room, and all of them should be frequently disinfected.

Be it Resolved, That the Lieutenant Governor or President of the Senate be and he is hereby authorized to appoint a suitable person, at a salary of \$5.00 per day, whose duty it shall be to superintend the heating, ventilating, cleaning and sanitation of the Senate Chamber, including the gallery and committee rooms.—Perkins, Watson, Johnson, Ratliff, Paulus, McNealus.

Read and laid on the table pending the conclusion of the morning call.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Jan. 24, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 5, A bill to be entitled "An Act to amend Section 10, Chapter 36 of the Acts of the First Called Session of the Thirty-first Legislature, being an Act defining and regulating fraternal beneficiary associations and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of Texas, as amended by Chapter 86 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Hudspeth) read and referred, after their captions had been read, the following House bills:

House bill No. 5, referred to Committee on Judiciary No. 2.

Morning call concluded.

SIMPLE RESOLUTION.

Senator Meachum called up the following simple resolution, which was on the table subject call:

Whereas, the proper dispatch of the public business in the enactment of legislation demands that all bills and resolutions of a general nature shall receive careful consideration of proper standing committees; therefore be it

Resolved, That the Senate shall receive no floor report upon any bill or resolution which is not purely and strictly a local bill, except by unanimous consent of the Senate.

MEACHUM,
WEINERT.

The resolution was read and

Senator Sturgeon offered the following amendment, which was read and adopted:

Amend the resolution by adding that all bills, except local bills, shall be printed and placed on the desk of each Senator.

Senator Cofer then offered the following amendment:

Amend by striking out after the words "except by," in next to last

line, and insert in lieu thereof the words, "consent of a majority of the Senate."

Senator Hume moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—26.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Ward.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Nays—4.

Cofer.	Vaughan.
Collins.	Warren.

Present—Not Voting.

Ratliff.

Action recurred on the resolution and same was adopted as amended.

SENATE CONCURRENT RESOLUTION NO. 6.

Senator Meachum called up Senate Concurrent Resolution No. 6, and moved that the Senate rule requiring committee reports to lie over for one day be suspended for the purpose of considering this bill (see Appendix for committee report).

The motion prevailed by the following vote:

Yeas—31.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

On motion of Senator Meachum the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, Senate Concurrent Resolution No. 6, a resolution inviting United States Senator Culberson to address a joint session of the Legislature.

The resolution was read and adopted.

In accordance with the above resolution, the Chair appointed the following committee: Senators McNealus, Hume and Ratliff.

SIMPLE RESOLUTION.

Senator Perkins here called up the simple resolution introduced by him today (see former proceeding for resolution).

The resolution was read and Senator Ratliff moved that it be adopted. Pending.

NOMINATIONS FOR UNITED STATES SENATOR.

The Chair announced that the hour of 11 o'clock a. m. having arrived, and that the special order for that time being to ballot for United States Senator, he declared nominations for said office in order.

Senator McNealus nominated Senator Charles A. Culberson as follows:

Mr. President and Gentlemen of the Senate—I wish that I were endowed with the gifts of ornate oratory of a Henry Grady and the charming magnetism that history tells us was characteristic of Henry Clay. I could then perhaps fittingly present to this body the name of the distinguished son of Texas that we are to honor with a third endorsement for a place in the halls of the most important legislative council in the world. I realize my incapacity to properly command words and frame sentences to do justice to the merits of the man who occupies the exalted position of senior Senator from Texas. And, were I to follow the bent of my own inclinations because of these lacking qualities of a public speaker, I would commit to other hands the task that I reluctantly assume. But there are peculiar conditions and environment surrounding the relationship between the senior Senator from Texas at Washington and myself that give me ample justification in

presenting his name to you today. So far as my status in this body is concerned, he is my local constituent; I am his State Senator. So far as his status in the National law-making body is concerned, I am his local constituent; he is my United States Senator. We are fellow townsmen, neighbors and friends, and I feel that I would not be performing the full duty assigned to me by my own constituents if I did not avail myself of the privilege of presenting one of our own number for the official endorsement that he is to receive here. There are other men upon this floor who could tell you of the many grand qualities of mind and character possessed by the senior United States Senator from Texas far better than I can hope to do; but none would experience more pride or gratification than I at this moment feel in presenting his name to you.

Most of us can recall the day when he, as Attorney General of this State, defended, in its early life, the constitutional amendment and the statutes framed thereunder creating the Railroad Commission of Texas; and how, later on, when the Supreme Court of the United States upheld the contention, with what feelings of pride not only he, but all citizens of this State, were animated over the legal victory obtained and in which he had been the first to battle. Later, when an element of alien-vulgarians attempted to soil the fame of the Lone Star State with an exhibition of brutality under the guise of sport, he intercepted, called the Legislature to defeat the debasing scheme, and rounded out his term as Chief Executive with a page of history well worthy of any of his predecessors.

Twelve years ago he was favored with election to the United States Senate, and during two terms of service in that body he has reflected as much lustre upon the pages of senatorial history as has any other man who has been in that august council during that exciting and important period of modern statesmanship. His clear, firm, forceful attitude upon the transportation issue, which brought forth what is known as the Hepburn Rate Bill, classed him as a man capable of grappling with the most intricate problems and reforms that the United States Congress has dealt with in half a century. On other leading issues of

the times he has been abreast with the foremost men of Democracy in this nation contending for "equal rights to all and special privileges to none."

During the past two years the hand of physical affliction has been laid upon him and he has not been permitted to do the work as continuously and energetically as his nature and abilities would prompt him to. But the kindness of Providence has restored him to health and for the last several months he has been at his post of duty, actively engaged in efforts to shape and frame important measures for the public good.

The proposition to amend the Federal Constitution so as to permit the people to elect United States Senators by their direct vote appeals to him as being in line with the best of modern public thought and political reform. In this he has the endorsement of his State, for Texas was first to practically point the way to sister commonwealths in this new demand to let the people rule. He has tarried at his post of duty, watching carefully over the public interests in this matter, until he has been deprived of the privilege of being here today. But we all rejoice to know that within the next few hours we will have the pleasure of his presence among us.

Mr President and gentlemen of the Senate, in nearly every affair of life I am naturally an optimist, but some of the recent events in public affairs that have taken place have sometimes driven me almost to the verge of pessimism. The stronger nations of the earth are stepping far and fast from the old established order in government. In our own country, on recent occasions, the shadow of the ambitious opportunist has been thrown across the pathway of the people. Often we have seen driftings from the traditions, the convictions, the admonitions and the warnings of the fathers of the Republic. The reckless and ambitious opportunist, disregarding of all constitutional limitations, has menaced the well established provisions of a hundred years of statesmanship in this Republic.

But there are conspicuous examples of public men who have not been lured into the dangerous byroad of opportunism. They have taken as their guidebooks the constitutional limitations, and the eternal principles of Democracy to safeguard the

rights of the people. Conspicuous among these men are the two United States Senators from Texas. They hold tenaciously to the safe anchorage of constitutional limitation in government. None of these men have been more conspicuous in this regard than the senior Senator from this State. Should serious troubles or dire disaster ever come to this people as a result of reckless opportunism, no future historian will be entitled to point the finger of upbraiment towards the men who have sat in the Senate Chamber of the Nation as representatives of the people of Texas. They have been true to the traditions, teachings and warnings of their forefathers.

In matters of philanthropy and humanitarianism, the senior Senator measures up well to the standard set by Thomas Jefferson. In firmness of conviction for the sovereignty of the State, he is as immovable as was John C. Calhoun. In standing by constituted authority he is as tenacious as Andrew Jackson; and in the matter of scrupulous integrity he takes equal rank with the lamented Reagan.

In social life this distinguished son of Texas is gentility personified. A kindly smile, a gracious presence, a sincere greeting to all who meet him, impress one with the knowledge that exclusiveness is foreign to his nature. With a knightly personal bearing, a respectful consideration for all men's rights and utterances, he is easily classed among the real noblemen of American citizenship. Today, in this chamber, he is entitled to the unanimous support of its members, because of the fact that at the ballot box he was given that unanimous endorsement by the people of the State. No candidate of his own, or any other party, appeared to contend with him for re-election to his exalted station, and I bespeak for him, not only the unanimous support of the men of his own political faith, but also of the few who differ with us as partisans.

Mr. President, and gentlemen of the Senate, I do not expect to be among those who will leave lasting impress in the annals of the Thirty-second Legislature, but I am free to declare that no act of any man in this chamber will bring to him more pride or pleasure than I experience in being privileged to present to you for official action the name of Charles A. Culberson, of Dallas county,

senior Senator from Texas, for re-election to the United States Congress.

Senators Carter, Greer, Hume, Sturgeon, Willacy, Perkins, Vaughan, Ratliff, Adams, Lattimore, Cofer, Collins, Real, Mayfield, Ward, Astin, Peeler briefly seconded the nomination of Senator Culberson.

There were no other nominations.

VOTE FOR UNITED STATES SENATOR.

Nominations for United States Senator having closed, the Chair (President Pro Tem. Hudspeth) ordered the roll called, each Senator rising at his seat and announcing his choice for the office, the vote resulting as follows:

Culberson—31.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	

Senator Bryan, being absent at the time the vote was taken, asked on his return to the Senate, that he be recorded as voting for Senator Culberson. Unanimous consent being granted, Senator Bryan is so recorded.

Note.—A motion was made and adopted, providing that all the seconding nominating speeches be printed in the Journal, but none of them were furnished the Journal Clerk.

SIMPLE RESOLUTION.

Senator Kauffman called up from the table, by unanimous consent, the resolution by Senator Bryan, which was pending from yesterday.

Senator Kauffman offered the following amendment:

Amend by adding after "Texas" in first section of resolution "the same

being the bill pending in Congress, introduced by Senator Bailey."

Pending.

ADDITION TO STANDING COMMITTEE.

(Judiciary Committee No. 2.)

Senator Sturgeon moved that Senator Meachum be added to the Judiciary Committee No. 2.

The motion was adopted and Senator Meachum was so added.

ADJOURNMENT.

Senator Mayfield, at 12:43 o'clock, p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed.

APPENDIX A.

PETITIONS AND MEMORIALS.

By Senator Lattimore:

Petition numerous signed protesting against enactment of legislation affecting present status of the abstract and title business of this State.

By Senator Carter:

Petition numerous signed by citizens of his district asking that the present Legislature change the present laws so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

By Senator Cofer:

Rockport, Texas,
January 14, 1911.

R. E. Cofer:

Read, it won't bite if a man handles alcohol for scientific purposes, for medicinal purposes or sacramental purposes. He is liable to acquire a thirst for strong drink which can not be assuaged. Banish it all for any and all purposes.

R. M. HANKS.

By Senator Cofer:

Communication from Mrs. Nannie W. Curtis, President of the Texas W. C. T. U., urging support of concurrent resolution prohibiting polygamy and polygamous practices in the United States.

By Senator Cofer:

Petition numerous signed by citizens of his district asking the Legis-

11-S.

lature to repeal the law requiring the men who sell family and veterinary medicines and other products to us from wagons to pay the large license provided by the present statute and to provide in its stead a license not to exceed \$50 per county, payable to the County Road and Bridge Fund.

By Senator Warren:

Petition numerous signed by citizens, voters and freeholders of the Ninth Senatorial District protesting against the enactment of legislation affecting the present status of the abstract of title business of the State.

By Senator Perkins:

Petition numerous signed by members of the Order of the Sons of Hermann asking the Legislature to amend Section 10, Chapter 36, of the Thirty-first Legislature.

By Senator Murray:

Petition numerous signed by citizens of Refugio county, asking the Legislature to place the bays of Capano and Mission under the Act prohibiting the drawing of seines in said bays, as such are especially situated for breeding purposes.

By Senator Adams:

Petition numerous signed by the citizens of his district asking the Legislature to change the present laws so as to eliminate Sunday fairs, shows, races, hunting, fishing, games, sports and excursions.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, Jan. 24, 1911.

To the Honorable A. B. Davidson,
President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

Senate Concurrent Resolution No. 6, a resolution "Providing that the Hon. Charles A. Culberson of Texas, be invited to address a joint session of the Senate and House of Representatives on Wednesday, January 25th, immediately following the election of a United States Senator from Texas, to be held on said date, and that a committee of three members of the Senate be appointed by the President

of the Senate, and four members of the House of Representatives be appointed by the Speaker of the House, to escort Senator Culberson to the hall and the Speaker's stand."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Warren, Chairman; Carter, Townsend, Weinert, Hume, Real, Peeler, Adams, Kauffman.

(Floor Report.)

Austin, Texas, Jan. 24, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

Senate bill No. 83, A bill to be entitled "An Act to amend Sections 60 and 128a, Chapter 11, of the laws of the Special Session of 1905, entitled 'An Act to regulate elections and to provide penalties for its violation,' and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions; approved April 1, 1903, so as to hereafter read as follows, and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Warren, Chairman; Real, Adams, Kauffman, Weinert, Carter, Peeler, Vaughan, Townsend, Hume.

(Floor Report.)

Austin, Texas, Jan. 19, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 92, A bill to be entitled "An Act to incorporate the city of Longview and to grant it a charter, to define its powers and to prescribe its duties and liabilities, and to declare an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Meachum, Chairman; McNealus, Vaughan, Collins, Terrell of McLennan, Kauffman, Lattimore, Peeler, Hudspeth.

(Floor Report.)

(By unanimous consent.)

Austin, Texas, Jan. 24, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 77, A bill to be entitled "An Act granting to the city of New Braunfels, in addition to the powers now conferred by the general laws now in force or which may hereafter be enacted, the right, power, privilege and authority to erect, build, construct, maintain and operate within as well as without its city limits a water works system, an electric light system, a power system and any other public utilities, together with the necessary plant or plants and all incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions, and the right, power, privilege and authority to dispose of or sell within its city limits and one mile beyond said limits, water, electricity and power for any and all purposes; granting to the city of New Braunfels the right, power, privilege and authority to erect, build, construct, maintain and operate any number of dams, reservoirs, lakes, locks, abutments, buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances, and constructions in, at, on, over or across the Guadalupe river at any point or points between the point where the Comal and the Guadalupe county line crosses the Guadalupe river and up said river to a point twelve miles from said county line; granting to the city of New Braunfels the privilege and right of using all the land and water and riparian rights and all the rights of every character of the State of Texas in, to and adjacent to said Guadalupe river between the points above mentioned, including especially such rights in its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon the city of New Braunfels the right, power, privilege and authority in any manner to dam and overflow the water of said Guadalupe river and its tributaries between the points above mentioned and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river between the points above mentioned and to back the

water in said Guadalupe river and its tributaries between the points above mentioned to any heighth, but not in the Comal river above the north line of San Antonio street; granting to and conferring upon the city of New Braunfels in addition to the powers of condemnation and of eminent domain by the general laws now in force or which may hereafter be enacted the right, power, privilege and authority to purchase, acquire, hold, own, occupy, possess and condemn all lands, waters, springs, rivers, dams, constructions, rights, franchises, material and any other property which may be needed or used by the city of New Braunfels in erecting, building, constructing, maintaining and operating a water works system, an electric light system, a power system and other public utilities, together with the necessary dam or dams, plant or plants and incidental buildings, machinery, mains, pipes, pumps, turbines, wires, poles, appliances and constructions; providing that the laws which are now in force or may hereafter be enacted, prescribing the rights of, and procedure by, railroad corporations and companies in condemning and acquiring real estate, property and material and making compensation therefor, shall apply to and govern the city of New Braunfels, in condemnation proceedings in acquiring lands, waters, springs, dams, constructions, rights, franchises, material and any other property and making compensation therefor under the power herein granted said city, and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Meachum, Chairman; Terrell of McLennan, Lattimore, Collins, Koffman, Vaughan, McNealus, Hume, Peeler, Perkins.

(Floor Report.)

Austin, Texas, Jan. 23, 1911.
Hon. A. B. Davidson, President of the Senate.

We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 39, A bill to be entitled "An Act to establish the Abilene State Normal College, providing that the State Board of Education shall control the same; providing for a local board resident in Abilene or Taylor

county, Texas, fixing the time for the opening of said normal college, making an appropriation for the establishment of said college; making an appropriation to pay the salary of the president of said normal college for the year ending August 31, 1912, and to pay the salaries of the president and others employed in or by said college during the year beginning September 1, 1912; providing for the manner in which students shall be appointed to said normal college; providing for a meeting of the State Board of Education for the purpose of establishing departments in said normal college;"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass.

Perkins, Chairman; Paulus, Ratliff, Real, Collins, Sturgeon.

APPENDIX B.

RULES OF THE SENATE.

Following are the rules of the Senate as adopted by the Senate on January 23, 1911, and are printed here by order of the Senate:

Quorum.

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn or recess from day to day, and compel the attendance of absent members. (Constitution, Art. III, Sec. 10.)

2. In case a less number shall convene, the members present may send the Sergeant-at-Arms, or any other person or persons, for any or all absent members.

Absentees.

3. No member shall absent himself from the sessions of the Senate without leave unless he be sick or unable to attend.

4. A call of the Senate may be demanded by five members, and if there be any absent the names of the absentees shall be called again. If they do not answer, the Sergeant-at-Arms or a special messenger may be sent for them, and the question pending shall be, without a motion, laid on the table until the absentees appear or the call be suspended.

Officers of the Senate.

5. The Lieutenant Governor of the State shall, by virtue of his office, be President of the Senate; decide all questions of order, subject to appeal by any member; have direction and control of all committee clerks and employes of the Senate and assign them to their duties. He shall have control of such parts of the capitol as have been, or may be, set apart for the use of the Senate and its officers. He shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond such time as a majority of the Senators present vote to elect another member in the place of the member so called to the chair by the Lieutenant Governor, and a motion shall be in order at any time such substitute is presiding to elect another member to preside, and if a majority of the Senators present so vote the member called to the chair by the Lieutenant Governor or by the President Pro Tem. of the Senate shall vacate the chair and the member elected by a majority shall preside until the Lieutenant Governor or President Pro Tem. shall take the gavel and preside.

6. The Senate shall, at the beginning and close of each session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of Lieutenant Governor in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant.

6a. If any Senator other than the regularly elected President Pro Tem. be presiding and fails or refuses to recognize any Senator to make a motion that is in order, or to raise a point of order, that it is in order to raise, or fails or refuses to entertain an appeal from his decision, or to put such question to the Senate, or fails to recognize any Senator to demand that a point of order under discussion be immediately decided, or fails to put the question, if seconded by ten Senators, "Shall the point of order be now decided," such Senator so offending shall be deemed guilty of violating the high privileges of the Senate, and the members thereof, and shall be in contempt of the Senate, and until such offending Senator shall purge himself of such contempt and be excused by the Senate, he shall not again be called to the chair during the Session. If such Senator so presiding shall refuse to recognize any Sen-

ator when addressed in proper order, or to entertain the motion, point of order, or appeal of any Senator, or to pass upon the same, or to recognize a Senator to make the demand when seconded by ten Senators that a point of order under discussion be immediately decided, then the Senator seeking recognition may rise in his seat and without recognition read a written demand upon the Senator presiding, provided the same is signed by a majority of the Senators present, and if the Senator presiding persists in his refusal, then any number of Senators constituting a majority of the Senators present, may present such written demand to the Sergeant-at-Arms, or the Assistant Sergeant-at-Arms, and such written demand shall be a full and sufficient warrant for arrest, empowering such officer, or either of them, to arrest said Senator so presiding and eject him from the chair, and retain him under arrest until he shall be released by order of the Senate.

Should the Sergeant-at-Arms or Assistant Sergeant-at-Arms fail or refuse to act and carry out such demand, they shall be removed from office on a majority vote of the Senate.

When such Senator is removed as aforesaid and the chair remains vacant, the Secretary shall call the Senate to order and a President Pro Tempore Ad Interim shall be elected to preside until the Lieutenant Governor or regularly elected President Pro Tem. shall appear and take the gavel.

As soon as order is restored the Chair shall cause a record of the fact of removal to be made.

7. A Secretary, Assistant Secretary, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Engrossing Clerk, Enrolling Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, Chaplain and such other officers as a majority vote may determine to be necessary, shall be elected at the opening of the session of the Legislature to continue in office until discharged by the Senate; who shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate.

Open Doors.

8. The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Art. III, Sec. 16.)

Order of Business.

9. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

10. The names of the Senators shall be called alphabetically; should a quorum not be in attendance a majority of those present shall be authorized to send the Sergeant-at-Arms, or a special messenger, for the absentees; when there is a quorum present the Journal of the preceding day shall be read and corrected if necessary. (Constitution, Art. III, Sec. 10.)

11. The President shall then call:

- (1) For petitions and memorials;
- (2) For reports from standing committees;

(3) On Wednesday and Thursday of each week only House bills on their third and second reading, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment on Thursday it shall go over until the succeeding day, Friday, until disposed of; and it shall require four-fifths of the Senators present to suspend this rule;

(4) For reports from select committees;

(5) For bills and resolutions, which shall conclude the morning call, and which the President shall announce to the Senate;

(6) For the special order;

(7) For unfinished business;

(8) For business on the President's table, which shall be disposed of in the following order:

- (1) Simple resolutions;
- (2) Messages and executive communications;
- (3) House bills on third reading;
- (4) Senate bills on third reading;
- (5) House bills on second reading;
- (6) Senate bills on second reading;

Senate bills and resolutions with House amendments may be called up at any time as privileged questions.

12. A special order shall be considered at a time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such business may be suspended by a majority vote of all the members present in order to consider a special order. If a spe-

cial order is not reached or considered at the time fixed, it shall not lose its place as a special order. Provided, that any special order shall be subject to Rule 61, providing that the order of business may be postponed or changed by two-thirds vote of all members present.

Decorum and Debate.

13. When a Senator is about to speak in debate, or to communicate any matter to the Senate, he shall rise in his place and address the President.

14. When two or more members rise at once the presiding officer shall decide which one shall speak first, but from his decision an appeal without debate may be taken to the Senate by any member.

15. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate.

16. When a member shall be called to order by the President, or by a Senator, he shall sit down and not be allowed to speak, except to the point of order, until the question of order be decided. If the decision be in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

17. If a member be called to order for using exceptionable words, they shall be immediately taken down in writing, that the President may be better enabled to judge them.

18. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate.

19. While the President is putting the question or addressing the Senate he shall not be interrupted.

20. While a member has the floor no member shall interrupt him or otherwise interrupt the business of the Senate except for the purpose of calling him to order or for the purpose of moving the previous question or for the purpose of demanding that a point of order under discussion or consideration be immediately decided, and any member shall, though another member have the floor, be recognized by the presiding officer, and be in order to call to order the member, or to move the pre-

vious question, or to demand that a point of order be immediately decided.

21. When a question is under consideration by the Senate no motion shall be made except

To fix the day to which the Senate shall adjourn or recess;

To adjourn or recess;

To proceed to the transaction of executive business;

The previous question;

To postpone to a time certain;

To amend;

To commit with instructions;

To commit without instructions;

To lie on the table;

To postpone indefinitely;

Which several motions have precedence in the order in which they are arranged. All amendments tending to perfect a bill shall have precedence of a motion to strike out the enacting clause.

21a. Pending the reading of any bill or any resolution introduced or offered by any member, the foregoing privileged motions shall be in order, and any member shall be recognized by the presiding officer and be in order to make any such motions, or to move that the first reading of such bill or resolution be, for the time, dispensed with, and that the bill or resolution lie on the table until for the purpose of giving it a first reading, it is taken off the table by a majority vote of the Senate.

22. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn, or recess.

22a. When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

23. The Senate may punish any member for disorderly conduct, and with the consent of two-thirds may expel a member; but not a second time for the same offense. (Constitution, Art. III, Sec. 11)

24. The Senate, during its session, may imprison for forty-eight hours any person, not a member, for disrespectful or disorderly conduct

in its presence, or for obstructing any of its proceedings. (Constitution, Art. III, Sec. 15.)

25. Any member, who shall receive or offer a bribe, or who shall suffer his vote influenced by promise of perferment or reward, shall, on conviction, be expelled.

Bills.

26. No bill shall have the force of a law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journals. (Constitution, Art. III, Sec. 32.)

27. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives, and whether it be the first, second or third reading.

28. A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof, when first introduced; if a House bill, the reading thereof when submitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee. And it shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject, to first consider and report upon the House bill.

29. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "shall this bill be engrossed and passed to third reading?" and if it be a House bill, "shall this bill pass to a third reading?"

30. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature. (Constitution, Art. III, Sec. 37.) And no vote shall be taken upon

the passage of any bill within the last twenty-four hours of the session, unless it be to correct an error therein.

31. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

32. It shall be in order at the third reading of a bill to move its reference to a committee; and should such motion prevail and the same be reported back to the Senate, the said bill shall be considered as on its second reading.

33. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the Journals. (Constitution, Art. III, Sec. 38.)

Substitute Bills.

34. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives; and any amendment which is in effect a substitute shall be considered a substitute bill.

Resolutions.

35. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

36. All resolutions, except those named in the preceding rule, shall be acted on upon their introduction, or on motion postponed or referred to an appropriate committee.

Amendments to the Constitution.

37. All amendments proposed to the Constitution shall be subject to the rules that govern the proceedings on bills, except that they shall in all cases be read on three several days, and shall only be passed by a vote of two-thirds of the members elected to the Senate. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution may be under consideration, the votes of the majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or in-

cidental question short of the final question.

Motions.

38. All motions shall be reduced to writing and read by the Secretary, if desired by the presiding officer or any Senator present.

39. After a motion has been stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Senate; but it may be withdrawn at any time before it has been amended or decided.

40. On motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

41. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions; but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire measure.

42. A motion to postpone, or to commit, having been once decided, shall not again be entertained on the same day, at the same stage of the bill or other question before the Senate.

Petitions and Memorials.

43. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief verbal statement of its contents may be made by the person presenting it.

Protests.

44. Any member shall have the privilege to have spread upon the Journal of the Senate his reason for any vote he may cast.

Reports.

45. All committee reports shall be in writing.

46. It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

47. All reports except reports from Committee on Engrossed and Enrolled Bills, shall, after being read, lie on the table one day before consideration, unless committed.

48. When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the Secretary as having been read the first time.

Commitment.

49. Motions in writing, reports, and all resolutions, except such as require the approval of the Governor, may be committed at the pleasure of the Senate.

50. When several motions shall be made for reference of a subject to a committee, they shall have the preference in the following order: First, to a committee of the whole Senate; second, to a standing committee; third, to a select committee.

Reconsideration.

51. After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof. When a bill, resolution, report, amendment, order or message upon which the vote was taken shall have gone out of the possession of the Senate, and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon, and if determined in the negative, shall be a final disposition of the motion to reconsider.

52. In all cases a motion to reconsider shall be decided by a majority of the votes.

53. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

Questions—Mode of Stating and Voting Upon.

54. All questions shall be distinctly put by the President, and the members shall signify their assent or dissent by answering, "aye," or "no."

Equal Division of the Senate.

55. If the Senate be equally divided on any question, the Lieutenant Governor, if present, shall give the casting vote. (Constitution, Art. IV, Sec. 16.)

56. The President of the Senate, for the time being, shall not, by virtue of his office, be entitled to give the casting vote in any case.

57. If the Senate is equally divided on any question when the Lieutenant Governor is not present, such question or motion shall be lost.

Yeas and Nays.

58. Upon the final passage of all amendments proposed to the Constitution, of all bills appropriating money or lands for any purpose, and of all questions requiring a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the Journal.

59. At the desire of any three members present, the yeas and nays shall be entered on the Journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum.

60. Upon any roll call of the Senate, should any member who is within the Senate Chamber fail or refuse to answer when his name is called, the Secretary of the Senate shall, under the direction of the President of the Senate, record such member as present.

Two-Thirds Vote—On What Questions Required.

61. A vote of two-thirds of all members elected to the Senate shall be required—

(1) For the final passage of amendments to the Constitution. (Constitution, Art. VII, Sec. 1.)

(2) For the final passage of bills exempting property from taxation. (Constitution, Art. VII, Sec. 10.)

(3) For the final passage of bills to revoke or repeal private corporations.

(4) For the final passage of bills to authorize the State to borrow money.

(5) For the passage of bills that have been returned by the Governor,

with his objections. (Constitution, Art. IV, Sec. 14.)

(6) For the final passage of bills to reduce a county to a less area than nine hundred square miles. (Constitution, Art. IX, Sec. 1.)

(7) For the passage of an address to the Governor for the removal of any civil officer. (Constitution, Art. XV, Sec. 8.)

(8) In cases of impeachment, a vote of two-thirds shall be required to convict. (Constitution, Art. XV, Sec. 3.)

(9) To expel a member. (Constitution, Art. III, Sec. 11.)

A vote of two-thirds of all the members present shall be required—

(1) To adopt an amendment at the third reading of a bill or joint resolution. (See R. 35.)

(2) To postpone or change the order of business.

(3) To suspend any rule of the Senate.

(4) To excuse absentees.

Suspension and Rescission of the Rules.

62. It shall require a vote of four-fifths of the Senate to suspend the rule requiring bills to be read on three several days. (Constitution, Art. III, Sec. 32.)

63. Any rule or order of the Senate may be rescinded or changed by a majority vote of all the members elected except where otherwise provided by the Constitution or the laws.

64. No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call.

Rejection of Bills, Resolutions and Motions.

65. After a bill or resolution has been considered and defeated by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session. (Constitution, Art. III, Sec. 34.)

Elections.

66. In all elections of the Senate, the vote shall be given viva voce, except in the election of officers of the Senate. (Constitution, Art. III, Sec. 41.)

67. A majority of the whole num-

ber of votes cast shall be necessary for a choice in all elections by the Senate.

Committees.

68. All committees shall be appointed by the President, unless otherwise directed by the Senate.

69. The following standing committees shall be appointed:

(1) A Judiciary Committee No. 1.

(2) A Judiciary Committee No. 2.

(3) A Committee on Constitutional Amendments.

(4) A Committee on Educational Affairs.

(5) A Committee on Internal Improvements.

(6) A Committee on Finance.

(7) A Committee on Public Lands and Land Office.

(8) A Committee on State Penitentiaries.

(9) A Committee on Public Health.

(10) A Committee on Military Affairs.

(11) A Committee on State Affairs.

(12) A Committee on Commerce and Manufactures.

(13) A Committee on Public Roads, Bridges and Ferries.

(14) A Committee on Public Debt, Claims and Accounts.

(15) A Committee on Contingent Expenses.

(16) A Committee on Federal Relations.

(17) A Committee on Counties and County Boundaries.

(18) A Committee on Public Printing.

(19) A Committee on Judicial Districts.

(20) A Committee on State Asylums.

(21) A Committee on Stock and Stockraising.

(22) A Committee on Agricultural Affairs.

(23) A Committee on Treasurer's and Comptroller's Departments.

(24) A Committee on Privileges and Elections.

(25) A Committee on Public Buildings and Grounds.

(26) A Committee on Rules.

(27) A Committee on Engrossed Bills.

(28) A Committee on Enrolled Bills.

(29) A Committee on Insurance, Statistics and History.

(30) A Committee on Towns and City Corporations.

(31) A Committee on Mining and Irrigation.

(32) A Committee on Labor.

69a. The following standing committees are hereby created and the members thereof shall be elected by the Senate in such way as may be determined, viz:

First. A committee on congressional districts to be composed of eleven members.

Second. A committee on senatorial districts to be composed of nine members.

Third. A committee on representative districts to be composed of nine members.

All matters relating to redistricting the State into congressional, senatorial and representative districts shall be referred to these committees, respectively.

69b. All conference committees shall be elected by the Senate unless otherwise provided.

69c. The Senate may by resolution add members to any committee, standing or special, but when such additions are made, no further change in such committees shall be made except by and with the consent of the Senate.

Committee of the Whole.

70. It shall be in order for the Senate, at any time after bills and resolutions have been called, to resolve itself into Committee of the Whole.

71. In forming a Committee of the Whole Senate, the President shall leave the chair, and shall appoint a chairman to preside in committee.

72. When in Committee of the Whole, the Lieutenant Governor shall have a right to debate and vote on all questions. (Constitution, Art. IV, Sec. 16.)

73. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole.

74. Upon bills committed to a Committee of the Whole Senate, the bill shall be read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page or line, shall be duly entered by the Secretary, on a separate paper, as the same shall be agreed to by the

committee, and so reported to the Senate; after the report, the bill shall again be subject to be debated and amended, or committed, before a question to engross it be taken.

Nominations by the Governor.

75. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously direct otherwise.

76. Nominations shall be acted on in executive session only.

77. All nominations approved or definitely acted on by the Senate shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

Executive Session.

78. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons except Secretaries, Doorkeeper and Assistant Doorkeeper, Sergeant-at-Arms and Assistant Sergeant-at-Arms, who shall keep secret proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate.

79. All information or remarks touching the character or qualifications of any person nominated by the Governor to office shall be kept secret.

80. Any officer or member convicted of violating any provisions of either of the two preceding rules shall be liable, if an officer, to dismissal from the service of the Senate, and if a member, to expulsion.

Messages.

81. Messages, bills, resolutions and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

82. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

Journal of the Senate.

83. The proceedings of the Senate, when not in Committee of the

Whole, or in executive session, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal; every report of a committee and vote of the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall also be inserted in the Journal.

84. When a bill shall be returned to the Senate by the Governor, with his objections, they shall be entered at large upon the Journal. (Constitution, Art. IV, Sec. 14.)

85. The proceedings of the Senate, when in executive session acting upon nominations made by the Governor, shall be kept in a separate book, but the final result of such session shall be placed upon the Journal of the Senate, and the Secretary shall report the same to the Governor.

Adjournment.

86. A motion to adjourn or recess shall always be in order, and shall be decided without debate, and the Senate may adjourn or recess while operating under the previous question.

87. The Senate shall not adjourn or recess for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Art. III, Sec. 17.)

88. That persons hereinafter named, and no other, shall be admitted to the Senate Chamber while the Senate is in session, viz.:

(1) The members and employes of the Senate and their families, Representatives and employes of the House of Representatives, the Governor and his private secretary, the Lieutenant Governor and the members of the families of the Lieutenant Governor and Senators, the officers of the General State Government, the President and Vice-President of the United States, United States Senators and members of Congress, Governors of other States, the heads of the departments, judges of the Supreme Court and the Courts of Criminal and Civil Appeals. Provided, that the exceptions herein named

shall not apply to any person or persons engaged in lobbying.

(2) Reporters of newspapers shall be assigned appropriate and convenient seats in the Senate by direction of the President.

(3) Provided, that no newspaper reporter, or any person whomsoever, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be admitted upon the floor of the Senate or rooms leading thereto when the Senate is in session, nor shall any newspaper reporter, whose salary or compensation is paid in whole or in part by any person, corporation, firm or association other than the paper or papers for which he reports be admitted into the hall or rooms leading thereto when the Senate is in session.

(4) It shall not be in order for the President to entertain a request, motion or resolution for the suspension of this rule or to present from the Chair the request of any member for unanimous consent.

(5) It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Senate Chamber of all persons not entitled to the privileges thereof five minutes before the hour of meeting.

(6) Provided, that this rule shall not apply to persons who are invited to address the Senate when in session, nor shall it apply to any person who desires to appear before any committee, while going to or returning from the session of said committee; and provided further, that this rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. All officers and employes of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employe violate this rule the same shall be cause for dismissal from the service of the Senate.

Senate Rules—When Silent.

89. The President of the Senate shall decide all questions not provided for by the standing rules of order of the Senate, and joint rules of order of both branches of the Legislature, according to parliamentary practice, as laid down by modern approved authors, subject to appeal to the entire Senate as in other cases.

Previous Question.

90. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question, "Shall the main question be now put?" and if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the Senate to a direct vote—first, upon pending amendments and motions, if there be any; then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate as a separate proposition, and be decided by a vote upon said amendment or motion.

91. Pending the consideration or discussion of any point of order before the presiding officer and the Senate or either, any Senator may demand that the point of order be immediately decided, and if seconded by ten Senators the presiding officer shall submit the question, "Shall the point of order be now decided;" if a majority vote is in favor of it the point of order shall immediately be decided by the presiding officer, and if an appeal from his decision is taken the appeal shall be immediately decided by the Senate without debate.

NINTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 25, 1911.

Senate met pursuant to adjournment, President Pro Tem. Hudspeth presiding.

Roll call, a quorum being present, the following Senators answering to their names:

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Murray.
Carter.	Paulus.
Cofer.	Peeler.
Collins.	Perkins.
Greer.	Ratliff.
Hudspeth.	Real.
Hume.	Sturgeon.
Johnson.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.

Ward.
Warren.

Weinert.
Willacy.

Absent.

Watson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business.

(See appendix for Petitions and Memorials and Standing Committee reports.)

BILLS AND RESOLUTIONS.

By Senator Cofer:

Senate Concurrent Resolution No. 9, A concurrent resolution relating to the practice of polygamy and polygamous co-habitation and contemplating an amendment to the Constitution of the United States forbidding such practices.

Read first time and referred to Judiciary Committee No. 2.

By Senators Cofer, Ratliff, and Sturgeon:

Senate bill No. 101, A bill to be entitled "An Act providing for the establishment, maintenance, control and management of District Agricultural High Schools, prescribing courses of study to be taught therein, designating who are entitled to attend such District Agricultural High Schools and making appropriation to carry out the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Johnson:

Senate bill No. 102, A bill to be entitled "An Act to amend Section 121, of Chapter 124, of the laws passed by the Regular Session of the Twenty-ninth Legislature, relating to Normal School and Summer Normal certificates, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Vaughan:

Senate bill No. 103, A bill to be entitled "An Act to amend the Re-